



Crl.O.P.No.25106 of 2022

A.D.JAGADISH CHANDIRA,J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.145 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and petitioners are neighbours. On 27.09.2022, the petitioners had picked up a quarrel with the defacto complainant who went near the petitioner's house and during the quarrel, the petitioners had abused the defacto complainant using filthy language and assaulted him with wooden log and also threatened him, which resulted in the defacto complainant sustaining injuries. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been lodged against them. He would further submit that the injured has been discharged from the hospital and that there is no counter case against the petitioners. Thereby, he seeks for grant of anticipatory bail to the



petitioners.

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4. The learned Government Advocate (Crl. Side) would submit that the petitioners picked up a quarrel with the defacto complainant, abused him using filthy language and assaulted him with wooden log, due to which, he sustained injuries. He further submitted that, apart from this case, there is no previous case pending against the petitioner and the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Gudiyatham** on condition that the



petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall stay at Chennai and report before the Inspector of Police, North Beach Police Station daily at 10.30 a.m., for a period of 2 weeks and thereafter, report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the



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conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.10.2022

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